

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

六 六 六

SHELLESE PAYTON,

Plaintiff,

Case No. 2:12-cv-00999-APG-VCF

ORDER DISMISSING CASE

v.

MIKE SHOEMYER, et al.

Defendants.

On July 11, 2012, Magistrate Judge Ferenbach entered his Report and Recommendation (Dkt. #4) recommending dismissal of Plaintiff's Complaint without prejudice and giving Plaintiff leave to amend. No objection to the Report and Recommendation was filed.

On August 27, 2012, District Judge Du entered her Order (Dkt. #5) adopting and accepting Judge Ferenbach's July 11, 2012 Report and Recommendation. Judge Du dismissed Plaintiff's Complaint without prejudice, and stated that "Plaintiff is given thirty three (33) days from the date the Clerk mails Plaintiff a copy of this Order within which to file an amended complaint remedying, if possible, the defects in the complaint explained in the Magistrate Judge's Report and Recommendation. Any allegations, parties, or requests for relief from prior papers that are not carried forward in the amended complaint will no longer be before the court."

1111

1111

111

1 To date, Plaintiff has not filed an Amended Complaint. Accordingly,

2 **IT IS HEREBY ORDERED** that this case is DISMISSED without prejudice.

3 Dated: June 5, 2013



4
5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28